

GEORGE P. CRAWFORD

MAY 14, 1942.—Ordered to be printed

Mr. STEWART, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 2427]

The Committee on Claims, to whom was referred the bill (H. R. 2427) for the relief of George P. Crawford, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The fact are fully set forth in House Report No. 564, Seventy-seventh Congress, first session, which is appended hereto and made a part of this report.

[H. Rept. No. 564, 77th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 2427) for the relief of George P. Crawford, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Line 6, strike out the figures "\$10,000" and insert in lieu thereof the figures "\$2,647.50".

At the end of the bill, add:

"*Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The purpose of the proposed legislation is to pay to George P. Crawford, of Bolivar, Tenn., the sum of \$2,647.50, on account of the death of George P. Crawford, Jr., his minor son, who died from injuries sustained on May 13, 1939, when he was struck by a Civilian Conservation Corps truck.

STATEMENT OF FACT

On May 13, 1939, at about 2 p. m., a Government truck, operated in connection with the Civilian Conservation Corps, was proceeding east on Market Street, in Bolivar, Tenn. As the Government vehicle approached the intersection of Market Street and North Main Street, the driver slowed his speed because of an unfavorable traffic light, and when the light changed, the driver shifted to second

gear and proceeded across the intersection. At about this time, George P. Crawford, Jr., age 6, was on the south sidewalk of Market Street. As the Government vehicle approached, young Crawford started to cross the street. The Government driver did not see the boy until he was within a few feet of the front of the Government vehicle; he immediately applied his brakes; but the front of the Government vehicle struck the boy and threw him into the path of the left front wheel. The boy was pushed along the street by the wheel of the Government vehicle for a few feet, and the Government driver then released the brakes of the Government vehicle whereupon the wheel ran over the boy's body. The Government driver then stopped within a distance of about 2 feet. As a result of the injuries sustained, the boy died several hours later.

The War Department refrains from making any recommendations in the premise and prefers to leave the matter to the equitable determination of the Congress.

Your committee after considering the evidence of this case is of the opinion that the Government driver was negligent and recommend that the bill, as amended, do pass.

Appended hereto is the report of the War Department, together with other pertinent papers.

WAR DEPARTMENT,
Washington, May 24, 1940.

Hon. AMBROSE J. KENNEDY,
Chairman, Committee on Claims,
House of Representatives, Washington, D. C.

DEAR MR. KENNEDY: Careful consideration has been given to the bill H. R. 9471, Seventy-sixth Congress, third session, for the relief of George P. Crawford, which you transmitted to the War Department under date of April 24, 1940, with request for information and the views of the Department relative thereto.

The purpose of the proposed legislation is to pay to George P. Crawford, Bolivar, Tenn., the sum of \$10,000, in full settlement of all claims against the United States for losses sustained by the said George P. Crawford on account of the death of George P. Crawford, Jr., his minor son, who died from injuries received on May 13, 1939, when he was struck at Bolivar, Tenn., by a Civilian Conservation Corps truck.

On May 13, 1939, at about 2 p. m., a Government truck, operated in connection with the Civilian Conservation Corps, in official business, was proceeding east on Market Street (also known as Main Street, Water Street, East Market Street, and U. S. Highway No. 64), in Bolivar, Tenn. As the Government vehicle approached the intersection of Market Street and North Main Street the driver reduced his speed to about 8 miles per hour, because of an unfavorable traffic light, and when the light changed the Government driver shifted to second gear and proceeded across the intersection. The Government vehicle was heavily loaded and was proceeding slightly upgrade. At about this time, George P. Crawford, Jr., age 6, was on the south sidewalk of Market Street about 50 feet to the east of the intersection of North Main Street. A line of cars were parked parallel to the south curb of Market Street. As the Government vehicle approached, after passing the intersection, young Crawford ran from between the parked cars (on the Government driver's right) directly into the path of the Government vehicle. The Government driver did not see the boy until he was within a few feet of the front of the Government vehicle; he immediately applied his brakes; but the front of the Government vehicle struck the boy and threw him into the path of the left front wheel. The boy was pushed along the street by the wheel of the Government vehicle for a few feet, and the Government driver then released the brakes of the Government vehicle, whereupon the wheel ran over the boy's body. The Government driver then stopped within a distance of about 2 feet. As a result of the injuries sustained, the boy died several hours later.

The evidence establishes that several eyewitnesses of the happening testified that the accident was entirely unavoidable by the Government driver and that other witnesses state that they believe the wheel of the Government vehicle would not have run over the boy if the driver had not released the brakes. The Government driver testified that he released his brakes after the wheel of the truck was on the boy's body so that it would roll off, and the boy's father testified that the Government driver stated to him, shortly after the accident, that "he did not want to drag the wheel over his body and mutilate it, so he released the brakes and let the wheel roll over his body."

A claim was filed with the War Department by George P. Crawford, father of George P. Crawford, Jr., in the amount of \$5,000 for personal injury and death of his son. The records indicate that Mr. Crawford incurred obligations of \$46 for medical and hospital treatment and \$85 for funeral services, arising out of the injuries and death of his son, and received a payment of \$40 toward the funeral costs from a burial association in which the boy had been enrolled. A release of all claims, which was signed by Mr. Crawford when it was presented to him during the burial of his son, was later repudiated by him on the grounds that the nature and purpose of the paper had been misrepresented to him at the time he signed it. Mr. Crawford's family, on August 3, 1939, consisted of his wife and four children at home.

Upon review in the War Department, that part of the claim for medical and hospital expenses was disapproved for the reason that, while negligence is not imputable to a child of tender age (6 years), the evidence of record failed to establish any negligence on the part of the Government driver which proximately caused or contributed to the accident. On the contrary, it was shown by the weight of the evidence that the Government driver was proceeding in a careful and prudent manner under the existing circumstances and that the accident resulted from the action of young Crawford in suddenly running in front of the Government vehicle from between cars parked at the curb. With regard to the action of the Government driver in releasing his brakes when the child was being pushed along in front of, or was under, the wheel of the Government vehicle, it was the view of the Department that such action in the emergency situation which existed, and under all the surrounding circumstances, cannot be characterized as negligence and was not to be considered legally as a contributing cause to the occurrence of the accident or the resultant injuries to the boy, within the contemplation of law and the terms of the claims acts under which this matter had to be considered.

That part of the claim for personal injuries and death was necessarily disapproved, as the jurisdiction of the War Department in claims of this nature is limited to claims for property damage and necessary medical and hospital expenses incident to personal injuries, there being no authority of law or appropriation for settlement of claims for personal injuries and death.

It is the view of the War Department that while there was no negligence on the part of the Government driver neither was there any negligence on the part of Mr. Crawford which contributed to the occurrence of this regrettable accident, and, under these circumstances, the Department refrains from making any recommendations in the premises and prefers to leave the matter to the equitable determination of the Congress.

Sincerely yours,

HARRY H. WOODRING,
Secretary of War.

STATE OF TENNESSEE,
County of Hardeman:

E. F. Rook, being sworn, makes oath as follows: I am 65 years of age, live on the farm in Hardeman County, Tenn., and have lived in this area all my life.

I have heretofore given my deposition in the matter set out in this affidavit, said deposition being taken at the Civilian Conservation Corps camp in Bolivar, Tenn., when they were taking testimony regarding the death of George P. Crawford, Jr.

It is not my purpose to change my testimony, and I am giving this affidavit upon request of Mr. G. P. Crawford and his attorney.

I will say that in the taking of my deposition, officials of the Government as aforesaid, on numerous instances during my said testimony, directed the stenographer to put down statements somewhat different from what I actually testified. In other words they did not take my true testimony.

I give the following as the true facts as I saw them surrounding the death of George P. Crawford, Jr.

The accident occurred on Saturday afternoon, May 13, 1939, on the south side of the square in Bolivar, Tenn., and on East Market Street, just east of the intersection of Market and Main Streets.

On said occasion, the streets of Bolivar were crowded with people both on the sidewalks and back and forth in the streets, and numerous vehicles were lined up at the curb.

At about 1:30 or 2 p. m. I was standing on the street and saw a Civilian Conservation Corps truck approaching on Market Street from the west. As the truck neared the traffic light at the intersection of Main and Market Streets, the red light was on and said truck slowed down, the light turned green and the driver speeded up but did not come to a stop.

As the truck reached a point 80 feet east of the intersection and while it was traveling around 20 miles per hour and on the right side of the street, a child, George P. Crawford, Jr., ran in front of the truck and was struck by the left front fender.

He came from the right-hand side of the truck. He was knocked about 5 feet; the truck continued moving; the wheel pushed the child's body 3 or 4 feet and then passed over it.

The driver or some other Civilian Conservation Corps boy picked up the child and took him to a doctor.

There was more than one person in the cab of the truck with the driver, and there were five or six boys in Civilian Conservation Corps uniform, back of the cab and on top of the load on the truck. They were laughing and talking and carrying on considerable fun.

The truck was heavily loaded and when the driver suddenly put on the brakes, after striking the child, the load on the truck shifted back and forth.

It is my opinion that had the driver used due caution on the crowded street, he could have avoided the accident. In the first place had he been careful he would have noticed the great crowd of people moving back and forth, and would have been proceeding at a slower rate of speed.

I am not related to any of the parties and give the foregoing as the true facts as I saw them to be.

E. F. Rook.

Subscribed to and sworn before me this March 5, 1940.

[SEAL]

ESTELLE DOYLE, *Notary Public*.

My commission expires January 20, 1942.

STATE OF TENNESSEE,

County of Hardeman:

D. P. McKinnie being sworn makes oath as follows: I am 69 years of age, live on the farm near Bolivar, Hardeman County, Tenn., and have lived in this county all my life.

I gave my deposition in the matter set out in this affidavit, said deposition being given at the Civilian Conservation Corps camp in Bolivar, Tenn.

It is not my purpose to change my testimony, and I am giving this affidavit upon the request of Mr. G. P. Crawford and his attorney, Mr. Bert Hodge.

I will say that in the taking of my deposition by officials of the Government as aforesaid, on numerous instances during my said testimony I was interrupted by Government officials who were directing the depositions and who directed the stenographer to put down my statements somewhat different from what I actually testified.

I give the following as the true facts surrounding the death of George P. Crawford, Jr., said facts being as I saw them.

The accident occurred on Saturday afternoon, May 13, 1939, and on the square in the town of Bolivar, Tenn., on East Market Street, from 60 to 80 feet east of the intersection of Market and Main Streets, there being a traffic signal light suspended in the middle of the street at the aforesaid intersection.

On said occasion the sidewalks in Bolivar, and particularly on the south side of East Market Street, and immediately in line with the spot of the accident, were heavily crowded with people, vehicles were lined up and parked by the curb, people were walking back and forth across the street as is customary on Saturday afternoon in this town.

At about 1:30 p. m. on said occasion, and as I was standing on the north side of East Market Street in said town, I noticed a heavily loaded Civilian Conservation Corps truck approach the traffic light and intersection heretofore mentioned and from the west traveling east. The red light was on and as said truck neared the intersection, the driver slowed down, the light turned green, and the driver speeded up. The driver did not come to a stop.

As the truck reached a point approximately 75 feet from the intersection edge and while it was traveling at a speed of approximately 20 miles per hour, and on its right hand and proper side of the street, a child, George P. Crawford, Jr., ran out into the street and in front of the truck.

Said child almost got across the street in front of the truck, but was struck by the front left fender and knocked from 3 to 5 feet forward and in front of the truck, the truck continued moving, slid the child's body 2 or 3 feet, and then passed over it and stopped within 3 feet after it passed over the child's body.

A crowd immediately gathered. The driver or some other Civilian Conservation Corps boy picked up the child who was still alive and took him to the doctor.

I am not positive as to how many boys were in the cab or driver's seat of the truck, but my best recollection is, that it was full. In addition to this several boys in Civilian Conservation Corps uniform were seated behind the cab and on top of the load in the truck.

This group on top of the load was laughing and talking but I am not positive as to whether they were talking to the driver or not.

They were active and moving about and carrying on some fun.

I give the foregoing affidavit as being the true facts as I saw them to be, and I am not related to Mr. Crawford, his attorney, nor any of the parties.

D. P. McKINNIE.

Sworn to and subscribed before me this March 4, 1940.

[SEAL]

ESTELLE DOYLE,
Notary Public.

My commission expires January 20, 1942.

STATE OF TENNESSEE,
County of Hardeman, ss:

Louisa Hurst being sworn makes oath as follows:

I am 41 years of age, a housekeeper, and the wife of Kenton Hurst. We have lived in Hardeman County for the past 10 or 12 years and get our mail at Toone, Tenn., route 2. We formerly lived in Chester County, Tenn.

I recall the occasion last summer when the little Crawford boy was struck by a Civilian Conservation Corps truck on the streets of Bolivar, Tenn., and on said occasion I was standing on the corner of the Bank of Bolivar, in the town of Bolivar, Tenn., at the time the accident occurred.

The point where I was standing is the southeast corner of the intersection of Market and Main Streets in said town and had a clear vision of the said Civilian Conservation Corps truck on said occasion as it passed under the traffic light and immediately before it struck the child.

On said occasion the streets and sidewalks of Bolivar were thickly crowded with men, women, and children. As I was standing at the said corner, I had my baby in my arms and was holding another child by the hand.

I noticed the truck as it came across the intersection, and noticed that it did not stop for the light, but I am not able to say whether the light was green or red, as I did not notice the light.

However, the truck was heavily loaded, and was traveling rapidly as it came across the intersection and just before it hit the child. Not being familiar with the driving of a truck, I am not able to say how fast it was going but it was traveling rapidly.

There was more than one person in the cab and on top of the load just back of the cab there was some four or five or maybe six young men in Civilian Conservation Corps uniform standing and sitting. At least two or three of them was standing and yelling out something and leaning over in a gesture which indicated they were trying to say something to the driver of the truck. All the boys on top of the truck were laughing and carrying on a lot of fun. I do not know what those leaning out toward the driver was trying to say but were shouting in a loud voice and had their bodies leaning forward around the edge of the top of the cab. One of them on the extreme left hand side of the truck was leaning way around in a position to place his head and shoulder in line with the driver and it appeared to me that he was laughing and talking with the driver.

I am not prepared to say just what effect these gestures of these boys had on the driver but I do say that immediately and an instant after, the truck crossed the intersection and while the boys on top of the load were talking or trying to talk with those in the cab, the truck struck the little boy.

I give this affidavit as being the true facts, as I saw them and I am not related to the Crawfords, the attorneys in the case, or any person connected with it. As a matter of fact until a short time ago I knew none of the parties. On the occasion in question I merely heard someone say the child killed was the little son of a Mr. Crawford. The first I knew that they wanted my affidavit was when I received a letter from Mr. Hodge asking me to come to his office and tell him what I saw.

I understand that an acquaintance of mine, Mr. Robert Sanders, happened to tell Mr. Hodge that I saw the accident.

I do recall that I told Mr. Sanders of having seen the accident. I shall be glad to submit myself to any examination by any party relative to what I know about this, for what I have stated in this affidavit is the exact truth.

This March 16, 1940.

LANISIO HURST.

Subscribed to and sworn to before me this March 16, 1940.

[SEAL]

ESTELLE DOYLE,
Notary Public.

My commission expires January 20, 1942.

STATE OF TENNESSEE,
Hardeman County:

G. P. Crawford, Sr., being sworn, makes oath that he is the father of George Paul Crawford, Jr., who died following being struck by a Civilian Conservation Corps truck in Bolivar in 1939 and that he, affiant, expended the sum of \$7.50 for medical services for the said child, who died shortly after being struck; that affiant expended \$45 for hospital bills and the sum of \$10 for the digging and preparations of a grave for the child's body.

This March 19, 1941.

GEO. P. CRAWFORD.

Sworn to and subscribed to before me this March 19, 1941.

[SEAL]

M. WILSON, Notary Public.

My commission expires April 6, 1943.

BOLIVAR, TENN., March 13, 1941.

George Paul Crawford, Jr., deceased, in account with Shackelford Funeral Directors:

May 13, 1939.	To white plush 4/6 casket and services-----	\$60
	To embalming-----	25
	Total-----	85

I certify that the above is a true and correct statement of the funeral expense of George Paul Crawford, Jr., deceased, whom we buried May 14, 1939.

R. P. SHACKELFORD.

